

Montana WINGS Fall Meeting, September 23, 2019

Summary of Activities 2017 - 2019

Background

During the 2017 Session the Montana Legislature passed House Bill 70 (HB70), an act to strengthen adult guardianship and related protective services in Montana. The bill directed the Office of the Court Administrator to establish a working interdisciplinary network of guardianship stakeholders (WINGS), to provide ongoing evaluation and recommendations regarding Montana laws, services, and practices related to adult guardianship and conservatorship. HB70 also provided funding for the WINGS group's meeting expenses, a half-time (0.5 FTE) staff support person, and for a public guardianship grant program.

Funding for the program was eliminated as part of the Judicial Branch's voluntary reductions during the special session.

Volunteer WINGS Members & Activities

Despite the lack of funding, stakeholders were willing to continue with the WINGS project on a voluntary basis. Members include Montana AARP, the Montana Medical Association, Montana Department of Health and Human Services (DPHHS) Adult Protective Services, the Rural Institute for Inclusive Communities, and the Yellowstone County Guardianship Council. Additionally, WINGS members bringing legal perspectives to these issues include several members of the Montana State Bar, a District Court Judge, member of the Uniform Law Commission, representative of the State Law Library of Montana, and an attorney from Disability Rights Montana. The informal WINGS group met several times to prioritize goals set out in HB70, and determine workgroups and plans for meeting the revised list of goals.

WINGS Formalized

During the 2019 Montana Legislative Session, lawmakers passed HB 684, including a re-authorization of WINGS; however, the related funding was cut and the WINGS goals adjusted accordingly.

The Chief Justice of the Montana Supreme Court established the Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) on June 20, 2019, pursuant to Montana Code Annotated (MCA) sections 3-1-710 and 3-1-711. The WINGS group, consisting of nine appointed members, serves to provide ongoing evaluation of Montana laws, services, and practices related to adult guardianship and conservatorship.

Members

1. Judge Daniel Wilson, representing the Montana District Courts and appointed as Presiding Officer of WINGS;
2. Michael Hagenlock, representing the Montana Department of Public Health and Human Services, Adult Protective Services;
3. Theresa Baldry, representing an advocacy group for individuals with developmental disabilities;

4. Susan Bailey, representing an advocacy group for senior citizens;
5. Cindy Nickol, representing professional guardians or conservators;
6. Dawn Larimer, representing unpaid guardians or conservators;
7. Jennifer Crowley, representing a volunteer guardianship council;
8. Erin MacLean, representing as a member of the Montana State Bar Association; and
9. Dr. Roman Hendrickson, MD, representing as a health care provider with experience in working with patients in need of a guardianship.

Timeline of Activities (*not an exhaustive list*)

- March 15, 2018: WINGS meeting, featuring representatives from the American Bar Association (ABA) Commission on Law and Aging, AARP National, and the Statewide Pro Bono Program for the Montana Judicial Branch;
- April 2018: Participation of Montana AARP staff in a WINGS Coordinators Forum in Washington D.C.;
- April 25, 2018: WINGS meeting, featuring presentations from the Uniform Law Commission, and the National Guardianship Association;
- July 2018: Addition of Jared Nepal, a VISTA volunteer staffed under DPHHS Adult Protective Services and partially dedicated to assisting WINGS activities;
- October 2018: Montana WINGS Website launched, available at <https://wingsmt.org/>;
- October 16, 2018: WINGS meeting featuring presentations from the Montana DPHHS Legal Services Developer Program, Montana Guardianship Legal Assistance Program and the University of Montana, Rural Institute for Inclusive Communities;
- November 29, 2018: Continued Legal Education (CLE) program presented by WINGS Members to potential pro bono attorneys, focusing on less-restrictive alternatives to guardianship;
- (Not completed): Survey drafted, seeking information on the current practices relating to Adult Guardianship proceedings in Montana's District Courts;
- February 2019: Participation of several WINGS members in the 2019 Legislative Session efforts, along with the State Bar Health Care Section, advocating for the passage of LC0554 (Generally revise guardianship and conservatorship laws) – Tabled in Committee;
- April 2019: Participation of WINGS Coordinator/State Law Library Director Sarah McClain in WINGS Forum with the ABA in Washington D.C.
- (Not completed): Coordination of community outreach events to educate the public on adult guardianship and less-restrictive options, and to encourage potential unpaid guardians.

- April/May 2019: Montana Legislature passes and Governor Bullock signs HB 684, including a re-authorization of WINGS; however, funding cut and WINGS goals adjusted accordingly.
- June 20, 2019: Chief Justice McGrath orders the establishment and appointments for Montana WINGS, including appointing District Court Judge Dan Wilson as Presiding Officer.
- Sept. 2019: The Children, Families, Health, and Human Services Interim Committee initiated an interim study of SB 202, with Attorney Alexis Sandru from Legislative Services assisting. The Interim Committee members and Ms. Sandru are aware of the formalized WINGS group and will communicate and seek input as needed.
- Sept. 2019: Basic webpage established under the Montana Judicial Branch website, Court Administrator section, at https://courts.mt.gov/cao/ct_services/wings.
- Sept. 23, 2109: Fall WINGS Meeting in Helena with conference-in option.